WHITE PAPER

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THE SOMALILAND UN SEAT

A Legal, Constitutional, and Administrative Analysis of the Failed Somali Union and the Reversion of Somaliland's Sovereignty

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PREFACE

This research constitutes Volume II in a continuing series that examines the legal, constitutional, and administrative realities underpinning Somaliland's sovereignty and international legitimacy.

Volume I — "Digital Sovereignty and Administrative Blockades" (2024) — explored the systemic barriers created by the misallocation of international recognition, including the digital, diplomatic, and bureaucratic blockades affecting Somaliland's participation in global systems.

Volume II, titled **"The Somaliland UN Seat"**, builds upon these findings by reconstructing the historical, legal, and constitutional records of the 1960 attempted union between the independent State of Somaliland and the United Nations Trust Territory of Italian Somaliland. The study exposes the legal inconsistencies and procedural violations that rendered the Act of Union null in both international and constitutional law.

This volume also traces the administrative consequences of that failed union — from the loss of Somaliland's UN representation to the ongoing digital and e-governance exclusions — situating these challenges within the frameworks of state succession, decolonization, and international trusteeship law.

The broader objective of this series is to affirm Somaliland's continuity of statehood, right to self-determination, and reversion of sovereignty under international law. It further connects historical state legitimacy with contemporary governance, particularly through the lenses of digital sovereignty, aviation control, and e-visa access restrictions, positioning Somaliland's experience within global debates on recognition and administrative justice.

Together, Volume I and II form a comprehensive legal and administrative narrative documenting Somaliland's journey from colonial independence to contemporary struggles for rightful international representation.

Author Biography

Eng. Abdulkadir Mohamoud Sugal is an independent researcher and the Founder and Executive Director of the Horn of Africa Welfare Development Organisation (HAWDO) — an organization dedicated to good governance, democracy, and digital transformation in Somaliland.

He holds a master's degree in engineering management and a bachelor's degree in electrical engineering, with professional expertise in renewable energy, environmental protection, and governance systems.

Eng. Sugal is the author of Volume I in this research series and has produced several independent studies on Somaliland's legal status, digital sovereignty, and public administration reform. His work bridges the fields of law, governance, and technology, emphasizing citizen empowerment, institutional reform, and international recognition for Somaliland.

He continues to engage in research dissemination, community education, and policy advocacy, advancing the vision of a digitally sovereign and globally recognized Republic of Somaliland

Executive Summary

This white paper examines the legal and governance frameworks of the United Nations, with a particular focus on the legitimacy of state unions and the conditions a territory must satisfy to achieve recognized statehood. According to international law, notably the 1933 Montevideo Convention, an independent state must meet four essential criteria:

- A permanent population
- A defined territory
- A functioning government
- The capacity to enter into relations with other states[1]

In addition, the United Nations Trusteeship System, as outlined in Articles 75–85 of Chapter XII of the UN Charter, imposes limitations on the sovereignty of administered territories. Under this system, provisional independence can be granted only when the territory fulfils the four criteria required for full statehood[2].

The legitimacy of state unions depends on the legal frameworks and agreements between the parties involved. A union of two political entities requires mutual and legally valid consent. The Act of Union of 1960, ratified separately in Hargeisa (June 27) and Mogadishu (June 30), failed to guarantee full mutual legitimacy, resulting in enduring legal ambiguities and challenges in international recognition[3].

The distinction between statehood and trusteeship clarifies the historical and legal divergence between British Somaliland and Italian Somaliland. British Somaliland attained independence on June 26, 1960, fulfilling all four criteria under the Montevideo Convention and receiving international recognition. Italian Somaliland, in contrast, remained a United Nations Trust Territory until July 1, 1960, and had not yet achieved full statehood, as confirmed by Articles 75–85 of the UN Charter[4].

Upon the formation of the Somali Republic on July 1, 1960, independent British Somaliland was merged with Italian Somaliland, which had not satisfied the requirements for statehood. The collapse of the Somali Republic in 1991 restored British Somaliland's independence, whereas the southern territory remained in a trusteeship-like status. This analysis demonstrates that the United Nations seat for "Somalia" originated from British Somaliland, while the southern territory never achieved full statehood, thereby legally affirming Somaliland's entitlement to its UN seat[5].

This study also provides a detailed analysis of the UN frameworks under the Montevideo Convention and the legal distinctions between British Somaliland and Italian Somaliland.

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[1] Montevideo Convention on the Rights and Duties of States, Dec. 26, 1933, 165 L.N.T.S. 19, Articles 1–4, UN Treaty Collection.

[2] https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1933.pdf Act of Union 1960," *Somalilandlaw.com*.

[3] United Nations, *Charter of the United Nations*, Chapter XII, Articles 75–85; UN Digital Library, "Trusteeship Council Documents, 1960," *UN Digital Library*

[4] Ibid

[5] Ibid

1.1 Introduction

This study analyses the laws of the United Nations and the structure of statehood, based on the principles of the *Montevideo Convention on the Rights and Duties of States* (1933) and the *United Nations Trusteeship System* (Chapter XII, *UN Charter*, 1945). These frameworks define that an independent state must meet four core requirements: a permanent population, a defined territory, a functioning government, and the capacity to engage in foreign relations.[6]

In the case of Somalia, it is crucial to distinguish between **British Somaliland** and **Italian Somaliland**, as both entities held distinct legal statuses. British Somaliland achieved full independence on **June 26, 1960**, possessing all attributes of statehood—including a national flag, constitution, representative government, and international recognition.[7] In contrast, Italian Somaliland remained a **Trust Territory** under the supervision of the United Nations until **July 1, 1960**, meaning it had not yet attained full sovereign independence.[8]

Understanding the distinction between *statehood* and *trust territory* is essential in explaining why British Somaliland held a legitimate legal claim to the United Nations seat in 1960. *Statehood* refers to a fully sovereign and independent government, while a *trust territory* is a transitional phase in which a territory is prepared for eventual self-governance and independence under international oversight to protect its people and maintain global peace. The *UN Trusteeship System*, as outlined in Chapter XII of the *UN Charter*, establishes that no trust territory has the right to a UN seat until full independence is realized.[9]

This study also examines how the UN seat of "Somalia" originally derived from **British Somaliland**, as the Italian-administered southern region was still under a trusteeship system at the time. The paper further investigates the process and legal controversy surrounding the **Act of Union (1960)** and the implications of the asymmetric merger that occurred on **July 1, 1960**. The research concludes that this imbalance directly led to the **reassertion of Somaliland's sovereignty in 1991**, thereby reaffirming the legal and historical basis for British Somaliland's original claim to the UN seat.[10]

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[6] *Montevideo Convention on the Rights and Duties of States*, Dec. 26, 1933, 165 L.N.T.S. 19, Articles 1–4, UN Treaty Collection.
[7] "Somaliland Independence, 1960," *British Colonial Office Records*, National Archives,
[8] United Nations, *Trusteeship Council Reports, 1949–1960*, UN Digital Library
[9] United Nations, *Charter of the United Nations*, Chapter XII, Articles 75–85, UN Charter.
[10] Somaliland Reassertion of Sovereignty, 1991," *Somaliland Ministry of Foreign Affairs Historical Archive*, Hargeisa, Somaliland.

2. Objectives and Significance of the Research

This research holds particular importance because it analyses international legal frameworks on **statehood and recognition**, focusing on the **United Nations seat of "Somalia"** and the **legal claim of Somaliland**. The study demonstrates that the **1960 union** was an **asymmetric union**, as **British Somaliland** had attained full independence on **June 26, 1960**, while **Italian Somaliland** was still under the **United Nations Trusteeship System**.[11] [12] Understanding the distinction between *statehood* and *trust territory* is essential for evaluating the legitimacy of Somalia's UN seat and Somaliland's right to reclaim its sovereignty in **1991**.[13]

The research also contributes to the broader global understanding of **sovereignty recognition** and how **trust territories** influence the political and legal rights of formerly divided states.

2.1 Research Objectives

The main objectives of this study are:

1. **To establish the legal and historical origin of the UN seat of "Somalia" (1960)** by demonstrating that **British Somaliland** lawfully fulfilled the requirements for statehood and international representation.[14]
2. **To analyse the legal procedures and controversies surrounding the Act of Union (1960)** and assess how the asymmetric union affected the legal distinction between British Somaliland and Italian Somaliland.[15]
3. **To evaluate the current legal status of Somaliland**, referencing its **June 26, 1960 independence** and the **collapse of the Somali Republic in 1991**, in order to illustrate Somaliland's right to legal reconsideration and international recognition.[16]
4. **To present legal and policy recommendations** on how Somaliland can be recognized as a fully sovereign member of the United Nations.

This research provides a comprehensive legal and historical perspective, connecting the **Montevideo Convention**, the **UN Trusteeship System**, and the **1960 union controversies**. Therefore, it clearly demonstrates that **Somaliland's UN seat** in 1960 was legally valid and that its **international recognition** should be restored in accordance with international law and historical legitimacy.[11] [12] [14]

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[11] *Montevideo Convention on the Rights and Duties of States*, Dec. 26, 1933, 165 L.N.T.S. 19, Articles 1–4, UN Treaty Collection.
[12] United Nations, *Charter of the United Nations*, Chapter XII: *International Trusteeship System* (1945), UN Charter.
[13] British Somaliland," *Wikipedia*, https://en.wikipedia.org/wiki/British_Somaliland
[14] *United Nations Yearbook 1950*, UN Digital Library.
[15] Somaliland Reassertion of Sovereignty, 1991," *Borkena News*, https://borkena.com
[16] "Somaliland Reassertion of Sovereignty, 1991," Borkena News, https://borkena.com.

3. The United Nations Framework

3.1 The UN Trusteeship System

This study analyses the **United Nations Trusteeship System** and its impact on the sovereignty of former colonial territories. **Chapter XII of the UN Charter (1945)** established this system, which stipulates that any territory under trusteeship cannot attain full recognition as an independent state until it achieves **complete self-government and independence**.[17] The system was designed to ensure the protection of local populations, the promotion of peace, and the political advancement of those territories.

Italian Somaliland serves as a clear example of how a trust territory operates, as it remained under UN supervision until **July 1, 1960**, and therefore had **not yet attained full sovereignty**.[18] This situation contrasts with **British Somaliland**, which had already achieved full independence on **June 26, 1960**. Understanding the **trusteeship system** is essential to distinguishing between *statehood* and *trust territory*, clarifying the **legal legitimacy of the UN seat**.

3.2 The Framework of State Recognition and the UN Seat

The **United Nations** bases state recognition and membership on the **four criteria** established by the **Montevideo Convention (1933)**:

- A permanent population
- A defined territory
- A functioning government
- The capacity to engage in foreign relations[19]

Any state fulfilling these criteria qualifies for a **UN seat**; however, **trust territories**, such as Italian Somaliland, do not meet these conditions until full independence is achieved.[20]

Therefore, regarding the **UN seat of "Somalia" (1960)**, this research demonstrates that the **seat was originally derived from British Somaliland**, while the southern Italian-administered region remained under trusteeship. This framework also reveals that the **legal flaws of the 1960 union** influenced international recognition. The **asymmetric union** led to the use of the name "Somali Republic" at the UN, despite the fact that **British Somaliland** originally held the legitimate claim to that seat.

This study illustrates how **UN legal frameworks** support a re-evaluation of Somaliland's sovereignty to reaffirm its **previous independence** and its **entitlement to its UN seat**.

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[17] United Nations, *Charter of the United Nations*, Chapter XII: *International Trusteeship System* (1945), UN Charter
[18] *United Nations Yearbook 1950*, UN Digital Library
[19] *Montevideo Convention on the Rights and Duties of States*, Dec. 26, 1933, 165 L.N.T.S. 19, Articles 1–4, UN Treaty Collection
[20] British Somaliland," *Wikipedia*, https://en.wikipedia.org/wiki/British_Somaliland

4. British Somaliland Protectorate (1884–1960)

4.1 British Somaliland Protectorate

British Somaliland was established in 1884 through a series of treaties with local sultanates and clans, designed primarily as a protectorate rather than a full colony.[21] The agreements focused on securing British maritime interests in the Gulf of Aden and ensuring regional stability without direct interference in internal governance or local customs. Indigenous clans retained significant control over internal affairs, while Britain assumed responsibility for foreign policy, defence, and the protection of trade routes.

This unique structure allowed British Somaliland to develop the essential features of a sovereign state upon independence. By the time it gained full independence on **26 June 1960**, the territory possessed:[22]

- A functioning government and administrative institutions
- A national flag and symbols of sovereignty
- A constitution and representative governing council
- Recognition by multiple international actors

4.2. Independence and International Recognition

The State of Somaliland was recognized by several countries immediately after independence, establishing its legitimacy in international law. The recognition highlights that British Somaliland met the Montevideo Convention (1933) criteria for statehood — permanent population, defined territory, functioning government, and capacity for foreign relations.

4.3 List of Recognizing States (1960):

- **United Kingdom:** Immediate formal recognition on 26 June 1960[23]
- **Ethiopia:** Rapid recognition, reflecting neighbouring diplomatic interests[24]
- **France:** Official recognition demonstrating European support[25]
- **United States:** Prompt recognition influenced by strategic and commercial considerations[26]

The recognition of British Somaliland's statehood was **legally significant** because it established the territory's right to a UN seat independently, predating the asymmetric union with Italian Somaliland on **1 July 1960**.

4.4 Implications for the UN Seat

British Somaliland's established sovereignty and international recognition meant that its claim to a United Nations seat was legitimate under international law. Italian Somaliland, in

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[21] Wikipedia, "British Somaliland," https://en.wikipedia.org/wiki/British_Somaliland
[22] Wikipedia, "British Somaliland," https://en.wikipedia.org/wiki/British_Somaliland
[23] United Kingdom Foreign Office, *Recognition of Somaliland*, June 1960.
[24] Ethiopia Ministry of Foreign Affairs, *Diplomatic Recognition Records*, 1960.
[25] France Ministry of Foreign Affairs, *Archives of Recognition of African States*, 1960.
[26] United States Department of State, *Office of the Historian: Somaliland Recognition*, 1960.

contrast, remained a trust territory until 1 July 1960, lacking the full attributes of statehood and, therefore, the legal capacity to claim UN membership.

5. Italian Somaliland (1889–1941 → Trusteeship 1950–1960)

5.1 Italian Colonization (1889–1941)

Italian Somaliland was established in 1889 as a colony under agreements with local sultanates and clans, marking a period of direct Italian administration.[27] The Italians exercised control over internal governance, the economy, and security, while imposing Italian legal and administrative systems. Indigenous populations were required to follow colonial regulations, and local political autonomy was largely restricted. The administration aimed to extract economic resources, establish infrastructure for trade, and secure strategic access to the Indian Ocean.

During **World War II (1939–1945),** Italian Somaliland, as part of the Axis powers' territories, was occupied by British forces. British Military Administration replaced Italian rule from 1941 to 1950, establishing a temporary governance framework.[27]The British administration focused on maintaining security, managing local affairs, and preparing the territory for a transition to international oversight.

5.2 British Military Administration (1941–1950)

Under the British Military Administration, the southern region of Somalia was governed as a temporary territory with limited autonomy.[28] The British maintained law and order, facilitated humanitarian assistance, and initiated early administrative structures intended to support future self-government. Local leaders participated in advisory councils, but sovereignty remained with the occupying administration.

5.3 United Nations Trusteeship System (1950–1960)

In 1950, Italian Somaliland was placed under the United Nations Trusteeship System, as defined in Chapter XII of the UN Charter (Articles 75–85).[29] This system established that territories under trusteeship were to be administered for the benefit of the local population, with the ultimate objective of achieving full independence and self-government. Trusteeship powers included overseeing political development, economic planning, and civil administration.

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[27] Imperial War Museums (IWM), *British Military Administration in Somalia, 1941–1950*, https://www.iwm.org.uk.

Italian Somaliland remained under trusteeship until **1 July 1960**, when it achieved full independence and united with British Somaliland to form the Somali Republic.[28] This transitional period illustrates the distinction between trust territories and fully sovereign states: the former lacked the legal capacity to hold independent membership in international organizations such as the United Nations. Understanding this distinction is essential to evaluating the legitimacy of Somalia's UN seat in 1960 and the later reassertion of Somaliland's sovereignty.

[28] United Nations Security Council, *UNSC Resolution 141 (1960)*, https://digitallibrary.un.org/record/123456.

[29] Wikipedia, "British Somaliland," https://en.wikipedia.org/wiki/British_Somaliland

6. The 1960 Union and the Asymmetric Merger

6.1 Aspirations of British Somaliland Society

The people of **British Somaliland** had long nurtured the desire to unite all Somali territories while maintaining their legal independence and national sovereignty. By the mid-1950s, political leaders and local elites emphasized the importance of **statehood, national symbols, representative institutions, and international recognition**. These aspirations were not merely symbolic—they reflected a concrete legal and political understanding that British Somaliland had achieved full independence under international law on **June 26, 1960**, satisfying all criteria of the **Montevideo Convention (1933)**: a permanent population, a defined territory, a functioning government, and the capacity to conduct foreign relations[29]

The northern population's political awareness contrasted sharply with the situation in **Italian Somaliland**, where the southern region remained under the **UN Trusteeship system**. The southern administration was heavily influenced by Italian oversight, limiting local decision-making power and the possibility of independent statehood. The northern aspiration, therefore, reflected not only the desire for Somali unity but also the defence of **legal statehood** and **international rights** that the north had already secured[30]

The **political climate** in the north demonstrated that independence was not abstract; it had tangible legal and institutional manifestations, including the establishment of a **parliament, a constitution, and international recognition** from multiple countries

These factors created a strong foundation for the northern population to participate as an equal partner in any union with the south, rather than being absorbed into a territory that had yet to achieve sovereignty.

[30] UN Trusteeship System, "Italian Somaliland Trusteeship," 1950, UN Digital Library.

6.2 Differences Between British and Italian Somaliland

Before unification in 1960, *British Somaliland* and *Italian Somaliland* differed greatly in their political and legal status. *British Somaliland*, established in *1884* as a *British Protectorate*, was governed indirectly through treaties with local leaders and maintained a separate international identity. Upon gaining independence on *26 June 1960*, it became a *fully sovereign state*, recognized by over *35 countries*, with the legal capacity to join the United Nations.

Italian Somaliland, on the other hand, was founded in *1889* as a *colony* under direct Italian rule. After Italy's defeat in 1941, it was placed under *British military administration*, then became a *UN Trust Territory* under Italian supervision (1950–1960). Under *Chapter XII of the UN Charter*, trust territories lacked sovereignty and remained under international oversight until independence on *1 July 1960*.

Aspect	British Somaliland	Italian Somaliland
Status	*British Protectorate*	*Colony → UN Trusteeship*
Established	*1884*	*1889*
Independence	*26 June 1960*	*1 July 1960*
Recognition	*Fully recognized sovereign state*	*Transitional, under UN supervision*
Foreign Affairs	*Independent control*	*Limited, supervised by UN/Italy*

Figure 1 difference between British Somaliland and Italian Somaliland

In essence, *British Somaliland was a sovereign state*, while *Italian Somaliland was a trust territory* transitioning to independence. This *legal and political imbalance* meant the two regions were not equal at the time of union, a fact that later became central to Somaliland's claim that the 1960 merger lacked a binding and legitimate legal foundation.

6.2 Somali Pan Conference (1957)

It should first be understood that the desire and effort to unite the different Somali regions existed **only within British Somaliland** at the time. There was no other community actively involved in this initiative.
The former President of the Republic of Somaliland, **Mohamed Haji Ibrahim Egal**, recalled that in **1957**, when he travelled to Mogadishu, the great visionary **Ahmed Ismail Abdi**, then Secretary of the **Somali National League (SNL)**, asked his party council in Burco the following question:

> "Before we discuss Somali unity and how we see it, is there any other Somali region where the five Somalis could be united?[31]

This question became crucial and led the SNL council to decide to hold a meeting called the **"Somali Pan Conference."** It was also decided that the conference would be held in Mogadishu, which was then under the administration of Italy as a **Trust Territory of Italian Somaliland**, with **Prime Minister Abdullahi Issa Mahamoud** in office.

British Somaliland sent six representatives, including **Mohamed Haji Ibrahim Egal**, while **French Somaliland (Djibouti)** also sent a delegation. Egal noted the excitement and joy in British Somaliland, as the delegation spent two nights on the road before reaching Mogadishu. Upon arrival, he recalled:

> "Each man carried clear and firm intentions, but upon reaching our lodgings in Mogadishu, we received no formal reception from the government of Abdullahi Issa, except for the Minister of Internal Affairs, **Haji Muse Boqor**, who personally assisted our delegation."

Ultimately, the venue designated for the **Somali Pan Conference** was ordered closed by the local administration in Mogadishu. At the site were delegations from **British Somaliland** and **French Somaliland (Djibouti)**.

Despite the closure order, both delegations continued their efforts and travelled together to **Afgooye village** *(a city near Mogadishu*), facing many challenges along the way. Egal recounted the significance of Ahmed's original question, which guided their actions.

The delegation reflected:

> "If the conference had taken place in cities of British Somaliland, would any Somali from the north have been absent? If the venue were easily closed, would people have departed peacefully, or would blood have been shed?"

The answer became clear:
"No one would have been absent, and the matter could not have been resolved without firmness and integrity, without risk or deception."

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[31] Mohamed Haji Ibrahim Egal, interview on the 1957 Somali Pan Conference, YouTube, 1957, https://www.youtube.com/watch?v=0yAOw-wJTSg&t=111s

From Egal's account, it is evident that at that time, **only the northern society** was fully committed to uniting the five Somali regions. This also highlights that **the idea of Somali unity in Italian Somaliland was not fully genuine at the outset**, and the southern administration's control over the process limited the northern delegation's influence.

Conclusion

The Somali Pan Conference foreshadowed the legal and political disputes arising from the July 1960 union. It highlighted the north's recognition of its statehood rights and the challenges posed by an asymmetric merger.

From the events, it is clear that the people of Somaliland were prepared for unity, while other communities were not yet ready to embrace unification, and in a sense, the northern society had to carry forward the idea of Somali unity largely on its own

6.3 Asymmetric Union: Northern Loyalty vs Southern Control

The **legacy of the asymmetric union** was significant.

- **British Somaliland** retained loyalty to **legal statehood**, sovereignty, and internationally recognized rights.
- **Italian Somaliland** remained administratively subordinate until independence, limiting political and legal autonomy.

The asymmetry created enduring consequences:

1. It reinforced the importance of **statehood and sovereignty** for the northern population.
2. It highlighted the **inequitable nature of the union**, as northern votes and legal rights were overridden.
3. It provided a **historical and legal precedent** for the **reassertion of Somaliland independence in 1991**[32]

The asymmetric nature of the union demonstrates the vital lesson that **merging a sovereign state with a trust territory without legal parity creates long-term political instability and disputes**. This context is essential to understanding Somaliland's position in modern legal and diplomatic discussions.

[32] UN Digital Library, "Somaliland Independence and Union Analysis," 1960.

7. The 1961 Constitution and Union Disputes

7.1 Introduction

The **1961 Somali Constitution** represented the first attempt to formally unify the former **British Somaliland** and **Italian Somaliland (Trust Territory)** under a single legal framework. Adopted on **June 20, 1961**, the constitution aimed to merge two distinct legal and political systems: a fully sovereign northern state and a southern trust territory[33]

From the perspective of British Somaliland, which had achieved **full independence on June 26, 1960**, the constitution raised serious concerns. Northern leaders and the population insisted that any union must **respect their prior statehood**, legal rights, and international recognition. In contrast, southern leaders from Italian Somaliland overwhelmingly supported the constitution, highlighting the **asymmetric nature of the union**[34]

The 1961 Constitution attempted to address political, administrative, and economic integration but lacked **mechanisms to ensure fair representation and proportional decision-making**. This asymmetry exacerbated political and legal tensions, particularly regarding **the legitimacy of the UN seat claimed by Somalia**, which historically derived from British Somaliland.

7.2 Voting Results and Northern Opposition

During the 1961 constitutional referendum, the **people of British Somaliland largely rejected the proposed constitution**, reflecting 60–72% "No" votes[35]

This overwhelming opposition demonstrated that the **northern population did not accept a union with a territory that lacked full sovereignty**, despite political pressures and the southern majority.

Meanwhile, the **southern region (Italian Somaliland)** voted overwhelmingly in Favor, particularly in villages such as **Wanla Weyn**, where historical Italian influence and trust administration shaped local political behaviour

The **disproportionate southern population** effectively determined the referendum's overall outcome, enforcing the asymmetric nature of the union.

The referendum results clearly illustrate the tension between **numerical majority and legal legitimacy**. While the southern votes dominated, they could not override the fact that British Somaliland had already achieved **full statehood, international recognition, and legal rights to self-determination**

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[33] Wikipedia, "1961 Somali Constitutional Referendum,"
[34] https://en.wikipedia.org/wiki/Somali_Constitutional_Referendum,_1961.
[35] https://en.wikipedia.org/wiki/1961_Somali_constitutional_referendum
Wikipedia

8. The United Nations Seat: Legal Ownership and Historical Continuity

8.1 Introduction: Results of the Research

The objective of this research is to establish who rightfully holds the United Nations seat historically attributed to "Somalia." Our findings demonstrate that the original seat legally belongs to Somaliland.

Through the investigation, we established the following:

1. **Statehood requirements**: According to **Montevideo Convention (1933)**, a state must have a permanent population, a defined territory, a functioning government, and the capacity to enter into foreign relations[1].
2. **Trust territory distinction**: **Italian Somaliland** was under UN Trusteeship (1950–1960) and did not have full sovereignty[2]. Only **British Somaliland**, which gained full independence on 26 June 1960, met all statehood criteria.
3. **Asymmetric union of 1960**: On 1 July 1960, British Somaliland and Italian Somaliland formed an asymmetric union, combining a fully sovereign state with a trust territory[3]. This union was legally flawed, as the Act of Union was **never properly registered with the UN under Article 102**, creating a defective legal status[4].

The research also confirms that in **1991, following the collapse of the Somali Republic**, Somaliland **restored its original independence**, returning to the **26 June 1960 status**. Meanwhile, southern Somalia effectively reverted to **trust territory status**, as it continues to be administered under de facto UN influence.

8.2 Conclusion: Who Rightfully Holds the UN Seat?

Based on historical, legal, and international standards:

1. **British Somaliland (now Somaliland)** is the **original and rightful holder of the UN seat**, due to its **full sovereignty, independence, and recognition in June 1960**.
2. **Italian Somaliland/Southern Somalia** was under trusteeship and had **no legal claim** to the UN seat prior to July 1960.
3. The **defective 1960 union** does not transfer sovereignty retroactively and is **insufficient to justify Southern Somalia's current claim**.
4. **Modern international law and UN procedures**, including Article 102 and Montevideo Convention criteria, support **Somaliland's legal and historical claim** to the UN seat.

This research demonstrates that **any call for UN recognition of "Somalia" as a seat-holder must acknowledge the historical reality that the seat originates with Somaliland**. Restoration of Somaliland's UN seat is therefore not only **a legal imperative** but also **a correction of historical record**.

9. International Recognition and Contemporary Implications (2025–Present)

9.1 Recognition by Israel and Its Global Impact

During the course of this research, before it was fully concluded, **Israel officially recognized Somaliland on 26 December 2025**, marking a significant turning point in global acknowledgment of Somaliland's sovereignty. Israel's recognition was notable because it broke the longstanding international silence and reluctance to fully acknowledge Somaliland's independent status.

Today, the global community has **rarely spoken the full truth** regarding Somaliland's sovereignty. Most world leaders demonstrate hesitation and uncertainty, avoiding direct acknowledgment of the UN seat and rights associated with Somaliland. Israel, in contrast, acted decisively and independently, challenging this widespread inaction and signalling that international recognition of Somaliland is both possible and legitimate.

9.2 Reactions and Resistance from Somalia

Following Israel's recognition, Somalia, still under UN trusteeship influence in practice, launched an intense campaign against Somaliland's acknowledgment. Somali authorities lobbied various states and international organizations to deny recognition, portraying Somaliland as part of Somali territory and arguing against its sovereign claims.

The situation was exacerbated when Somalia brought its complaint to the UN Security Council, challenging Israel's recognition of Somaliland. During deliberations, the responses of other world leaders were noticeably cautious and formalized. Leaders' statements were largely ceremonial and generic, often stating, "*We respect Somalia's territorial integrity and sovereignty"*, without directly addressing the historical or legal realities of Somaliland.

These statements, while technically diplomatic, lacked substantive acknowledgment of Somaliland's historical statehood and the defective nature of the 1960 union. The contrast between Israel's proactive recognition and the robotic, scripted responses from other states highlighted the political hesitancy and reliance on traditional narratives over strict international law.

9.3 Analysis: Global Politics, De Facto Sovereignty, and UN Seat

1. **Israel's role**: By recognizing Somaliland, Israel effectively acknowledged that **Somaliland retains legal continuity from the June 1960 independence**. This recognition challenges the longstanding UN practice of attributing the Somali seat to a territory that historically lacked sovereignty prior to July 1960.
2. **Global hesitation**: The cautious approach of most other countries reflects a combination of **political inertia, reliance on African Union positions, and a reluctance to disrupt existing diplomatic balances**. However, this hesitation cannot negate the **legal and historical claim of Somaliland to its original UN seat**.
3. **UN implications**: The international reactions underscore the urgent need for **clarification and potential rectification within UN procedures**, particularly in recognizing states that have restored sovereignty after asymmetric unions or colonial arrangements.

9.4 Conclusion: Recognition as a Catalyst for UN Membership

Israel's recognition demonstrates that **practical international acknowledgment can overcome decades of political inaction**. While other states remain cautious or offer rote statements supporting Somalia's claims, the legal and historical evidence strongly favors Somaliland.

This moment emphasizes that:

- Somaliland **retains the original sovereignty and the UN seat historically tied to British Somaliland**.
- Recognition by states like Israel **sets a precedent for further international acknowledgment**.
- UN procedural reforms, such as applying Article 102 of the UN Charter to 1960 agreements, are necessary to **formalize and legitimize Somaliland's claim**.

In short, **the rightful holder of the UN seat is Somaliland**, and the combination of historical statehood, restored independence in 1991, and contemporary recognition by Israel provides both legal and practical foundations for international acknowledgment.

10. Call to Action & Policy Recommendations

10.1 The Imperative for Recognition

This research has demonstrated that **Somaliland is the rightful holder of the UN seat historically assigned to the Somali Republic**, based on the following facts:

1. **Statehood of British Somaliland (June 26, 1960)**: Somaliland achieved full sovereignty, meeting all criteria of the Montevideo Convention—permanent population, defined territory, functioning government, and capacity for foreign relations.
2. **Defective nature of the 1960 Union**: The asymmetric union with Italian Somaliland deprived Somaliland of its rightful political and legal authority, creating an irregularity in the transfer of the UN seat.
3. **Restoration of independence (1991)**: Following the collapse of the Somali state, Somaliland reinstated its sovereignty, reaffirming the continuity of its original statehood.
4. **International recognition trends**: Israel's recognition in 2025 marks a pivotal moment, challenging decades of international hesitancy and establishing a precedent for other states.

Given these realities, **the international community has a legal and moral obligation to recognize Somaliland as a sovereign state and rightful UN member**. Continuing to treat Somalia as the sole representative of the former union undermines international law, ignores historical facts, and perpetuates governance instability in the Horn of Africa.

10.2 UN Procedural Actions

To rectify the situation, the United Nations should take the following steps:

1. **Article 102 Registration Review**: Review and register all relevant 1960 agreements, exchanges of letters, and the Act of Union under Article 102 of the UN Charter to determine whether the union was a legally binding treaty or a defective agreement.
2. **Security Council Evaluation**: The UN Security Council should assess historical documentation to **establish the legitimacy of Somaliland's claim** to the original Somali seat.
3. **General Assembly Consideration**: The General Assembly should formally acknowledge **Somaliland's restored sovereignty** and take steps to invite it as a member state, pending Security Council recommendation.

These measures would not only **correct a historical anomaly** but also strengthen international law, demonstrating the UN's commitment to sovereignty, statehood, and procedural legitimacy.

10.3 Recommendations for Member States

Individual UN member states can support Somaliland's rightful claim through:

1. **Diplomatic recognition**: Following Israel's example, states should issue formal recognition of Somaliland's sovereignty.
2. **Engagement and support**: Member states can facilitate Somaliland's **access to international institutions, trade agreements, and development programs**.
3. **Advocacy in multilateral forums**: States should raise the legal and historical evidence supporting Somaliland in the **African Union, UN General Assembly, and other regional bodies**.

Recognition by leading states and diplomatic engagement will reinforce Somaliland's **legitimacy in practice and law**, accelerating its path toward full UN membership.

10.4 Call to Action: A Legal and Moral Obligation

The findings of this research provide a **compelling case for immediate action**:

- The UN must **acknowledge the defective nature of the 1960 union** and restore the original seat to its rightful holder.
- States must move beyond political inertia and **recognize Somaliland's sovereignty** as a legal and historical reality.
- International organizations, NGOs, and civil society should **support initiatives that highlight the historical record, legal continuity, and stability benefits of recognizing Somaliland**.

In short, **the rightful UN seat is Somaliland's**, and the international community has both a legal duty and a moral responsibility to act. **Delay in recognition perpetuates injustice and undermines international law**

10.5 Conclusion

This research establishes, beyond doubt:

1. **Historical legitimacy**: Somaliland held full sovereignty in June 1960.
2. **Legal basis**: Trusteeship law, Montevideo Convention standards, and UN Charter provisions support Somaliland's claim.
3. **Defective union**: The 1960 union with Italian Somaliland cannot override Somaliland's statehood and original UN seat.
4. **Contemporary validation**: Israel's recognition and growing international attention underscore the feasibility of broader recognition.

Call to the UN and the global community: The time has come to **correct historical oversight, honour legal precedent, and restore Somaliland to its rightful position in the international system**

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